



Pete Ricketts
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS
Kyle Schneweis, P.E., Director

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November 20, 2015

Mr. John Moeschen
U.S. Army Corps of Engineers
Wehrspann Regulatory Office
8901 S 154th Street, Ste 1
Omaha, NE 68138-3635

RE: Section 404 Permit Application Withdrawal
N-12, Niobrara East & West, S-12-5(1011)/CN 31674
USACE File# 2004-10258-WEH

Dear Mr. Moeschen:

The Nebraska Department of Roads (NDOR) respectfully withdraws the Section 404 Permit application, submitted to your office on September 11, 2015 for the Nebraska Highway 12, Niobrara East & West construction project referenced above.

At the November 9, 2015 public hearing the public raised significant concerns about the Draft Environmental Impact Statement and NDOR's Section 404 permit application for the A7 alignment alternative. The public commented about the hardships on affected landowners and current farm and ranch operations within the valley if the A7 alternative were pursued. The public also commented on wintertime operations challenges such as snow removal and icing due to shading effects, and increased potential for wildlife/vehicle collisions associated with any alternate that is located directly adjacent to the base of the bluffs.

The NDOR proposes to work with the Corps to find an alternative solution along the existing N-12 highway alignment that would result in a safe and reliable transportation system to solve the problem of reoccurring flooding along the existing highway facility.

Sincerely,

Kyle Schneweis, P.E.
Director

KS:MO:z

cc: Col. Henderson (USACE)
Martha Chieply (USACE)
Becky Latka (USACE)
Khalil Jaber (NDOR)
Mike Owen (NDOR)
Kevin Domogalla (NDOR)